

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MARY KAY PECK,

Plaintiff,

vs.

THE CITY OF HENDERSON, *et al.*,

Defendants.

Case No. 2:09-cv-00872-JCM-GWF

**ORDER**

Defendants' Emergency Motion to Stay  
Discovery (Dkt. #23)

This matter is before the Court on Defendants' Emergency Motion to Stay Discovery (Dkt. #23), filed July 21, 2009. The Court finds Defendants have failed to satisfy the meet and confer requirements of Fed.R.Civ.Pro. 37(a)(2)(B) and LR 26-7 and will strike Defendants' motion as a result.


Under Fed. R. Civ. Pro. 37(a)(2)(B) and LR 26-7, prior to filing a discovery motion, the moving party must meet and confer with opposing counsel by personally engaging "in two-way communication . . . to meaningfully discuss each contested discovery dispute in a genuine effort to avoid judicial intervention." *Shuffle Master, Inc. v. Progressive Games, Inc.*, 170 F.R.D. 166, 171 (D.Nev. 1996). In doing so, the parties must confer or attempt to confer in person or via telephone conference to discuss the individual discovery disputes and attempt to come to a resolution before resorting to judicial intervention. *Id.* Defendants' emergency motion to stay discovery fails to certify that Defendants conferred or attempted to confer with opposing counsel prior to filing the discovery motion. (*See* Dkt. #23). Therefore, the Court finds that Defendants have not satisfied the meet and confer requirement of Fed.R.Civ.P. 37(a)(2)(B) and LR 26-7. Accordingly,

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...

**IT IS HEREBY ORDERED** that Defendants' Emergency Motion to Stay Discovery (Dkt. #23) is **STRICKEN** without prejudice to refiling the motion upon a showing that complies with Fed. R. Civ. P. 37(a)(2)(B) and LR 26-7.

DATED this 27th day of July, 2009.

  
**GEORGE FOLEY, JR.**  
**UNITED STATES MAGISTRATE JUDGE**